

(Minority Report.)

Committee Room,
Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of Finance Committee, to whom was referred

Senate Concurrent Resolution No. 1, as follows:

"Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore, be it

"Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

"For the purpose of carrying into effect the provisions of this resolution, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, for the reason that I believe the resolution is unconstitutional.

TERRELL of Bowie.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, August 27, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie
Kauffman.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	

Absent.

Real.	Senter.
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Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

SENATE BILL NO. 6.

Action recurred on the pending business,

Senate bill No. 6, a bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchise, and declaring an emergency."

The question was on the amendment by Senator Alexander to the amendment by Senator Hudspeth (see proceeding of yesterday for the amendments).

(Senator Ward in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 27, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 4, A bill to be entitled "An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions upon which the purchaser or purchasers and associates, if any, of the property and

franchises of a railroad company, may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 4, referred to Committee on Internal Improvements.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

(Senator Peeler in the chair.)

BILL ON FIRST READING.

(By unanimous consent.)

By Senators Weinert, Greer, Hudspeth, Paulus, Alexander, Murray and Senter:

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor and prescribe his duties; prescribing penal-

ties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act."

Read first time, and referred to Committee on State Penitentiaries.

SENATE BILL NO. 10—PRINTED IN JOURNAL IN FULL.

Senator Watson moved that the chairman of the Committee on State Penitentiaries be instructed to have Senate bill No. 10 printed in today's Journal.

The motion prevailed.

(See Appendix for the bill in full.)

(Lieutenant Governor Davidson in the chair.)

REFUSE TO ADJOURN.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—10.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Watson.
Kellie.	Weinert.

Nays—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Terrell of McLennan moved that the Senate recess until 3 o'clock today.

Senator Terrell of Bowie made the point of order on the motion to recess, contending that there had been no business transacted between the motion to adjourn and this motion.

The Chair overruled the point of order.

The motion to recess was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

Nays—16.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

SENATE BILL NO. 6.

Action then recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

Pending discussion,

Senator Senter offered the following substitute for the amendment and the amendment to the amendment and bill:

Strike out all after the enacting clause of the bill and substitute the following:

Section 1. That Article 4549 of the Revised Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4549. In case of the sale of the entire roadbed, track, franchise and chartered right of a railroad company, whether by virtue of an execution, order of sale, deed of trust or any other power, the purchaser or purchasers at such sale and their associates, shall be entitled to have and exercise all the powers, privileges and franchises granted to said company by its charter, or by virtue of the general laws; and the said purchaser or purchasers and their associates shall be deemed and taken to be the true owners of said charter and incorporators under the same, and vested with all the powers, rights, privileges and benefits thereof, in the same manner and to the same extent as if they

were the original incorporators of said company; and shall have power to construct, complete, equip and work the road upon the same terms and under the same conditions and restrictions as are imposed by their charter and the general laws.

Provided that in case of any sale under this article in the event there should exist any unpaid claims or debts of said sold-out corporation, it shall be the duty of the Railroad Commission of Texas, upon the application either of said reorganized corporation or any creditor, to revalue the properties and franchises acquired under said sale, regardless of any previous valuation thereof by said Railroad Commission, whereupon it shall be the duty of said reorganized corporation to issue bonds secured by mortgage, or mortgages, upon the properties and franchises thereof in accordance with the stock and bond law of this State as contained in Title 94, Chapter 14, of the Revised Statutes of the State of Texas, to sell said bonds at the fair market value thereof, to be approved by the Railroad Commission of Texas. The proceeds of sale of said bonds or so much thereof as may be necessary to be applied to the payment of all unpaid debts, in accordance with their respective priorities, and provided further, that any creditor shall have the right to accept stock or bonds in payment of his debts, such bond to have such priority of lien and payment as shall secure said debt in accordance with its legal classification and priority.

Sec. 2. That Article 4550 of the Revised Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4550. In case of any such sale heretofore or hereafter made of the roadbed, track, franchise or chartered right of a railway company or any part thereof, as mentioned in Article 4549, the purchaser or purchasers thereof and their associates shall be entitled to form a corporation under Chapter 1 of this title, for the purpose of acquiring, owning, maintaining and operating the portion of the road so purchased as if such road or portion of the road were the road intended to be constructed by the corporation, and when such charter has been filed the said new corporation shall have all the powers and privileges conferred by the laws of this State upon chartered railroads, including the power to construct and ex-

tend; provided, that notwithstanding such incorporation the portion of the road so purchased shall be subject to the same liabilities, claims and demands in the hands of the new corporation as in the hands of the purchaser or purchasers of the sold out corporation; provided, that by such purchase and organization no rights shall be acquired under any former charter or law in conflict with the provisions of the present Constitution in any respect, nor shall the main track of any railroad once constructed and operated be abandoned or removed.

Provided that in case of any sale under Article 4549, in the event there should exist any unpaid claims or debts of said sold-out corporation, it shall be the duty of the Railroad Commission of Texas, upon the application either of the successor corporation or any creditor, to revalue the properties and franchises acquired under said sale, regardless of any previous valuation thereof by said Railroad Commission, whereupon it shall be the duty of said successor corporation to issue bonds secured by mortgage, or mortgages, upon the properties and franchises thereof in accordance with the stock and bond law of this State as contained in Title 94, Chapter 14, of the Revised Statutes of the State of Texas, and to sell said bonds at the fair market value thereof, to be approved by the Railroad Commission of Texas. The proceeds of sale of said bonds to be applied to the payment of all unpaid debts of the sold-out corporation, in accordance with their respective priorities, and provided further, that any creditor shall have the right to accept stock or bonds in payment of his debts, such bond to have such priority of lien and payment as shall secure said debt in accordance with its legal classification and priority.

Senator Terrell of Bowie made a point of order on the substitute, contending that a substitute for the bill was not in order; that the amendment and the amendment to the amendment was before the Senate and would have to be disposed of first.

The Chair overruled the point of order.

(Senator Terrell of McLennan in the chair.)

The substitute was then read, and

Senator Hume moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

Nays—16.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

(Senator Alexander in the chair.)

Action then recurred on Senate bill No. 6, the question being on the substitute by Senator Senter for the amendment, the amendment to the amendment and the bill.

Pending discussion on the above substitute, Senator Hudspeth moved that the Senate adjourn until Monday morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—10.

Adams.	Peeler.
Alexander.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Murray.	Weinert.

Nays—18.

Brachfield.	Meachum.
Bryan.	Paulus.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the substitute for the pending amendments and the bill.

Senator Hudspeth here offered the following telegram, which was read:

San Angelo, Texas, August 26, 1910.

Senator Claude Hudspeth, Austin:

The San Angelo Chamber of Commerce endorses your opposition to the I. & G. N. bill. It should at least be amended so as not to embarrass roads organized since enactment of stock and bond law and now being built and developing the West. If we interpret the bill correctly, it means cessation of railroad building in West, where such building is most needed.

SAN ANGELO CHAMBER OF COMMERCE.

Pending further discussion, Senator Harper moved the previous question on the substitute, the amendment, the amendment to the amendment and the engrossment of the bill. The motion for the previous question was seconded.

Senator Senter made the point of order that the previous question could not be ordered on all of the questions at the same time.

The Chair (Senator Alexander) overruled the point of order.

The motion for the previous question then prevailed.

Action then recurred on the substitute for the amendment, amendment to the amendment and the bill, and the same was lost by the following vote:

Yeas—7.

Adams.	Murray.
Alexander.	Senter.
Hudspeth.	Watson.
Kellie.	

Nays—20.

Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Paulus.	Weinert.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Action then recurred on the amendment to the amendment, and the same was adopted by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Cofer.	Perkins.
Greer.	Ratliff.
Holsey.	Sturgeon.
Paulus.	

Absent.

Real.

Absent—Excused.

Willacy.

Action then recurred on the amendment by Senator Hudspeth, as amended.

The amendment was lost by the following vote:

Yeas—10.

Adams.	Peeler.
Alexander.	Senter.
Hudspeth.	Veale.
Kellie.	Watson.
Murray.	Weinert.

Nays—17.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Action recurred on the engrossment of the bill, and the same was ordered engrossed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	

Nays—4.

Adams.	Senter.
Hudspeth.	Watson.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "nay," with Senator Real (absent), would vote "yea."

On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

Nays—5.

Adams.	Senter.
Hudspeth.	Watson.
Murray.	

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "nay," with Senator Real (absent), who would vote "yea."

The Chair having declared the result, Senator Watson called for verification of the vote, which was granted and no errors found.

Senator Watson made the point of order that the pair recorded above should be counted in the total vote, Senator Hume, being present, would vote "nay,"

which would make six votes against the suspension of the constitutional rule, and as it requires a four-fifths vote to suspend the constitutional rule, the motion would therefore be lost.

The Chair (Senator Alexander) overruled the point of order and declared the motion prevailed.

Senator Watson made the further point of order that the rule required a four-fifths vote of the Senate, not a four-fifths of those present.

The Chair (Senator Alexander) overruled the point of order.

The question was then on the final passage of the bill.

Senator Peeler moved to reconsider the vote by which the constitutional rule was suspended.

Senator Brachfield made the point of order that the rule had already been suspended, and that question was on the final passage of the bill.

The Chair (Senator Alexander) overruled the point of order.

Action then recurred on the motion to reconsider the vote by which the constitutional rule had been suspended, and the same was lost by the following vote:

Yeas—11.

Adams.	Ratliff.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Weinert.
Peeler.	

Nays—17.

Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Veale.
Kauffman.	Ward.
Mayfield.	

Absent.

Real.

Absent—Excused.

Willacy.

Action then recurred on the final passage of the bill, and

Senator Watson made the point of order that the bill was not before the Senate on third reading, contending that the constitutional rule had not been suspended by the required number of votes.

The Chair (Senator Alexander) overruled the point of order.

Senator Watson appealed from the ruling of the Chair.

Senator Hume was called to the chair.
Question—Shall the Chair be sustained?

The Senate sustained the Chair by the following vote:

Yeas—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.

Nays—9.

Adams.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Meachum.	Watson.
Murray.	

Present—Not Voting.

Alexander.

Absent.

Real.

Absent—Excused.

Willacy.

The bill was read third time; and

Senator Hume offered the following amendment:

Amend Section 1, containing Article 4549, by striking out all of the words after the word "bond" in line —, page —, and in lieu thereof insert the following: "Shall be fixed and determined and regulated by the Railroad Commission of Texas in accordance with the terms and conditions of the present stock and bond law, as contained in Chapter 14, Title 94, Revised Statutes of Texas, 1895, independently of any valuation theretofore made, said reorganized company to have the right to issue bonds upon said property and franchises, not exceeding the amount allowed by Article 4584b of the Revised Statutes of Texas, 1895."

Senator Terrell of Bowie made a point of order that the amendment sought to give the Railroad Commission authority to re-value the property of the railroads and the same did not come in the purview of the proclamation of the Governor submitting this measure to the Legislature; and further, it is not germane to the bill.

The Chair (Senator Alexander) overruled the point of order.

Action then recurred on the amend-

ment by Senator Hume, and the same was lost by the following vote:

Yeas—10.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Watson.
Kellie.	Weinert.

Nays—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Hudspeth offered the following amendment:

Amend the bill by adding after the word "company" in line 20, page 1, the following: "or any other corporation."

Senator Brachfield made the point of order, that the amendment did not come within the purview of the proclamation by the Governor submitting this subject.

The Chair (Senator Alexander) sustained the point of order.

Action then recurred on the final passage of the bill and the same was passed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	

Nays—4.

Adams.	Senter.
Hudspeth.	Watson.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present) who would vote "nay," with Senator Real (absent), who would vote "yea."

Senator Brachfield moved to reconsider the vote by which the bill was passed, and spread that motion on the Journal.

The motion to reconsider and spread on the Journal prevailed.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 8.

On motion of Senator Brachfield the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, House bill No. 8, by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.

Absent.

Hume.	Real.
Meachum.	

Absent—Excused.

Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 8, A bill to be entitled "An Act to require persons, firms, corporations, and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of

Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

The committee report, which was favorable and that the bill be printed in the Journal, was adopted.

Senator Kauffman offered the following amendment, which was read and adopted:

Amend House bill No. 8, by striking out of the caption the words "and making an appropriation for the Bureau of Labor Statistics."

The bill was read second time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Real.

Absent—Excused.

Willacy.

On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.

Murray.

Absent—Excused.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

The Chair laid before the Senate, as pending business and on second reading,

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

The committee report, with amendments, and that the bill be not printed but be printed in the Journal, was adopted.

The bill was read and Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting after the words "to erect and maintain buildings," the following words: "or sheds."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 1, by inserting after the words "where as many as five men are regularly employed on such repair work, the building," the following words: "or sheds."

Bill read second time, and ordered engrossed.

On motion of Senator Senter the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.

Terrell of McLennan.

Absent—Excused.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 14.

On motion of Senator Weinert, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, House bill No. 14 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

The committee report, which was favorable, and that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Harper.
Bryan.	Holsey.

Hudspeth.	Ratliff.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Terrell of Wise.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.
The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Holsey, the Senate, at 4:40 p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, August 27, 1910.

Hon A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements to whom was referred

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in constructing or repairing railroad cars, trucks and other railroad equipments and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies,' and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Bryan, Mayfield, Perkins, Terrell of McLennan, Holsey, Murray, Kauffman, Meachum.

SENATE BILL NO. 10.

S. B. No. 10. By Senators Weinert, Greer, Hudspeth, Paulus, Alexander, Murray and Senter.

A BILL

To Be Entitled

An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title to all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school

fund; to provide for the appointment of an auditor and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary may have humane treatment and may be given every opportunity and encouragement in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk and such other penitentiaries as may hereafter be established, and all farms or camps where prisoners are kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the walls and upon farms owned, but in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned and controlled by the State of Texas after January 1, 1914; provided, that all existing contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914. Provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out prisoners at the earliest practicable moment.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purpose of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by

the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall hold their offices, respectively, for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said Commissioners first to be appointed under this act, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond with two or more good and sufficient sureties, in the sum of \$75,000, payable to the Governor of this State and his successors in office, and conditioned for the faithful performance of his duties and the strict accounting to the State of all moneys coming into his hands as such Commissioner; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State. And before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county for the forfeiture and collection of said bond.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of \$300 per month, to be paid at the end of each month; and in addition thereto, he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid out of the funds of the prison system; all such expense accounts to be itemized and sworn to in duplicate and approved

by the chairman of the Board of Prison Commissioners, one copy to be kept with the records of the Board of Prison Commissioners and one copy filed with the Comptroller of Public Accounts; each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested; and any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners and if permitted it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have power to, and it shall be their duty, to appoint all necessary officers, all physicians, chaplains, teachers and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, who shall be a competent, practical accountant, and they shall require all appointees who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission to be conditioned as required by law for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The

Commissioners shall select one member as chairman and shall designate one member to have supervision over the finances and financial transactions of the prison system; one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the superintendent of parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may be now or hereafter in force in this State, unless otherwise directed by law. Provided, that each member so designated shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as relieving the full Board of Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep, or cause to be kept, in a well-bound book, a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever, they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal any lands, buildings, machinery, tools and supplies for the benefit of said prison system and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power to purchase such land as may, in their judgment, be necessary in the operation of said system and the employment of prisoners confined in said prison, and in the purchase thereof they

may pay such sum in cash as may be agreed upon with the vendor, and for the unpaid purchase money to become due upon said land they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties; and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient, by the Attorney General, and all conveyances, notes, and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission shall buy annually as many acres of land as will, in four years, or sooner if practicable, from the taking effect of this act, enable all the prisoners hired out, or employed on share or contract farms and who are not otherwise employed by the State to be employed directly on farms belonging to the prison system.

Sec. 15. The Comptroller may, by and with the approval of the Board of Education of this State, loan to the Board of Prison Commissioners, and they shall have the right to borrow from the permanent school fund of this State funds necessary and to be used in the erection of such prison houses and improvements upon the lands now owned and hereafter to be purchased by the Prison Commission for the peniten-

tiaries as they may deem necessary; said loans to be in such sums and at such times as may be necessary, not to exceed, however, in the aggregate, the sum of one million dollars, which loans shall be evidenced by the notes of the Board of Prison Commissioners, and shall bear interest not to exceed five per cent per annum, which interest, with five per cent of the principal of any amount borrowed, shall be repaid annually. The payment of the money so borrowed shall be secured by liens to be fixed upon the properties of the prison system, and the Prison Commission is hereby authorized to execute such instruments as will properly fix such liens. The forms of all notes, bonds and obligations executed under the provisions of this section of this act shall be prepared by, and the execution thereof, approved by the Attorney General.

Sec. 16. The Prison Commission is authorized and it shall be its duty to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out as rapidly as practicable so that the same shall be completed in the entire prison system within six years from the taking effect of this act.

Sec. 17. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall, in the purchase or sale of all real estate, or in the purchase or sale

of any machinery or equipment for the prison system exceeding in value the sum of \$5,000, advertise, in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation, and shall give all such bids received to the public press at least 30 days before any such contract is let.

Sec. 18. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 23 of this act. The Prison Commission is hereby authorized to draw from the Prison Commission account in the State Treasury any and all sums of money necessary for the business transactions of the prison system. The Prison Commission is authorized to draw upon the Prison Commission account with the State Treasurer such sum or sums of money and at such time or times as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission account to be paid. On December 1 of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission account and send deposit receipt to the Prison Commission.

Sec. 19. The Prison Commission may, at any time, issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, in order to supply any defect in the general laws of this State, or to provide such details not embraced herein, and for such con-

tingencies as may, at any time, arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes and all persons whomsoever in any way connected with the State prison or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system, and shall give a receipt therefor, and the prison system shall, from time to time, require examination of such officers, employes and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 20. It shall be the duty of some member or members of the Prison Commission, or some person designated by the Prison Commission, to spend at least one whole day each month at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission or

such other person as may be designated by the Prison Commission.

Sec. 21. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined.

Sec. 22. The Prison Commission shall cause to be made annually, on the first day of December, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item the book value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept, in the accounting department of the prison system, a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of December, to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report.

Sec. 23. The member of the Prison Commission designated by the Board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers and warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system.

He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits or prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 24. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and Secretary of State, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the first day of December of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and Secretary of State, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and Secretary of State renders him unfitted for said office, and in case of the discharge or resignation of any auditor another shall be appointed. During the term of his service such accountant shall be paid a monthly salary of two hundred dollars per month, and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 25. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps

as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 26. Within a reasonable time, and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 27. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education and such other instruction as they may prescribe, and they shall employ such number of competent teachers to instruct the prisoners in the same as, in the judgment of the Prison Commission, may seem necessary and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such school. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same.

Sec. 28. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to the religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty. Provided, that chaplains may also be teachers, as provided for in this act.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or non-feasance in office or shall become incapable or unfit to discharge his official duties or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office by quo warranto proceedings, to be instituted by the Attorney General in the proper court of Travis county under the provi-

sions of Title 93 of the Revised Civil Statutes of 1895.

Sec. 30. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to such salaries, to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed fifty dollars per month. No person shall be employed as a guard to guard convicts who is not of good moral character and who is not able to read and write and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 31. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome, sanitary conditions and in sufficient quantities and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 32. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all the different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 33. The Prison Commission shall

keep a register of all prisoners belonging to the prison system showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto, by expiration of sentence or otherwise.

Sec. 34. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reforms. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction.

The prisoners in each of the classes

hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as Grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as Grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as Grade No. 3, and which the prisoner shall be clothed in stripes. The uniforms for Grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for the demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided.

That prison discipline may be enforced the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, but whipping and placing prisoners in stocks shall be prohibited so far as practicable. White and negro prisoners shall be kept separate.

Sec. 35. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of the same.

Sec. 36. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the matron over such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform physical labor. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 37. The Prison Commission shall also keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a white matron or matrons whose duty it shall be to give her personal attention to the welfare of such female prisoners.

Sec. 38. At the place where female prisoners are kept, none but married men shall be employed as guards, and the houses for such guards and their families shall be provided by the State in which the families of the guards shall live, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 39. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three years of age, when it shall be provided for as may be prescribed by the Prison Commission.

Sec. 40. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct, shall receive compensation from the earnings of the State prison to the amount of ten cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section twenty-five cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison.

Sec. 41. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 42. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the

same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 43. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six per days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all once sentence. For each sustained charge of misconduct in violation of a rule known to the prisoner in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns to prison without expense to the State, such forfeiture may be set aside. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in case of any prisoner who shall have escaped and been captured part or all of his good time thereby forfeited may be restored by the Prison Commission if, in their judgment,

his subsequent conduct entitles him thereto.

Sec. 44. Life or long term prisoners who, having actually served fifteen years without any sustained charge of misconduct, and who shall be favorably recommended to the Governor by the Prison Commission, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such prisoner shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor should otherwise direct.

Sec. 45. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 46. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no convict shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner which shall be less than one hour. In going to and returning from their work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such

labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until having first been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 47. Prisoners who have been reported by the physician or other officer in charge, as in a condition of health which requires their removal to some other place, shall be accordingly promptly removed.

Sec. 48. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of a prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same or any part thereof shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the State penitentiary for a term of not more than five years.

Sec. 49. If any prisoner shall die while in prison the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of the same, then the body of such prisoner shall be turned over to such relative. If the residence and address of the relative of such prisoner is unknown such prisoner shall be decently buried and the grave marked by a board with the name of said prisoner, date of death, age, if known, and the county from which sentenced, inscribed thereon. If the body of such prisoner is not claimed by the relatives the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced, of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of the same made by the cus-

todian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 50. The Prison Commission or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of such prisoner and it shall be the duty of such justice of the peace when so notified of the death of such prisoner to go in person and make a personal examination of the body of such prisoner and inquire into the cause of the death of such prisoner and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of any prisoner who shall fail to immediately notify a justice of the peace of the death of such prisoner shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and by confinement in the county jail not less than sixty days nor more than one year.

Sec. 51. The Prison Commission shall provide for competent medical attention for all prisoners and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable, practicing physicians of not less than two years experience in practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the

name, color and sex of each prisoner treated or examined by him during said month; the malady or disease with which each was afflicted and if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters and the condition of each prisoner treated or examined by him during said month as he may possess; provided further, that for failure to make such report or for any false statement knowingly made by any such physician in any such report he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 52. The Prison Commission shall also provide a competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners, such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 53. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission with seal affixed, signed by the chairman of the Board of Prison Commissioners and giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of reasonably good quality and fit, two suits of underwear, five dollars in money in addition to any money that may be to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced, but if such prisoner prefers, he may receive such transportation to any point in this State designated by him.

Sec. 54. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps or other places where prisoners are kept or worked, at all proper hours for the purpose of observing the conduct thereof, and may hold conversation with the prisoners apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 55. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner, not exceeding one hundred dollars, exclusive of expenses of delivery, as may be fixed by the Prison Commission and to be paid as directed by the Prison Commission.

Sec. 56. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit, any food, clothing, or other property belonging to or under the control of the prison system shall be guilty of theft and shall, on conviction, be punished as prescribed by law.

Sec. 57. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system or the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years and each transaction shall constitute a separate offense.

Sec. 58. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law. It shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner; provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners shall be permitted to testify.

Sec. 59. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe wilfully permitting gambling at any such prison, farm or camp, shall be immediately dismissed from the service.

Sec. 60. No county in this State shall be permitted to confine in the State penitentiaries any of its county convicts or prisoners before final conviction.

Sec. 61. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words, "Board of Prison Commissioners of Texas," around the margin, which shall be used to attest all official acts.

Sec. 62. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum, hereby appropriated, shall be under control and at the disposal of the Prison Commission as provided in this act.

Sec. 63. Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 64. This act shall take effect and be in force on and after the 20th day of January, 1911.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 29, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.	Willacy.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be